

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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KATHRYN ELIZABETH JOHNSON,

Case No. 14-CV-3071 (JRT/SER)

Plaintiff,

v.

REPORT AND RECOMMENDATION

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

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Plaintiff Kathryn Elizabeth Johnson brought this action on August 1, 2014 seeking review of the denial of her claim for social security benefits. She also applied to proceed *in forma pauperis* (“IFP”). In an order dated August 25, 2014, this Court denied Johnson’s IFP application, noting that Johnson was not financially eligible for IFP status. Johnson was also ordered to pay the full filing fee within 20 days after the date of that order — that is, by September 14, 2014 — failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Johnson has not paid the filing fee. In fact, since filing her original complaint on August 1, 2014, Johnson has not corresponded with the Court at all. It is therefore now recommended — in accordance with the Court’s prior order in this case — that Johnson be deemed to have abandoned this action and that this case be dismissed without prejudice pursuant to Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS  
HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE for  
failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Dated: September 29, 2014

s/Steven E Rau  
Steven E. Rau  
U.S. Magistrate Judge

### NOTICE

Under D. Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **OCTOBER 13, 2014**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within fourteen days after service thereof. All briefs filed under this rule shall be limited to 3500 words. A district judge shall make a de novo determination of those portions of the Report to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable directly to the Eighth Circuit Court of Appeals.